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Protracted conflicts in the GUAM area and their implications for international peace, security and development

The situation in the occupied territories of Azerbaijan

Elimination of racism, racial discrimination, xenophobia and related intolerance

Promotion and protection of human rights

The rule of law at the national and international levels

Letter dated 16 August 2013 from the Chargé d'affaires a.i. of the Permanent Mission of Azerbaijan to the United Nations addressed to the Secretary-General

I wish to refer to the letter of the Permanent Representative of Armenia, dated 1 July 2013 (A/67/924-S/2013/396), which is a clumsy attempt to react to the brief research previously submitted for your consideration (A/67/875-S/2013/313) on the non-compliance by the Republic of Armenia with United Nations Security Council resolutions 822 (1993), 853 (1993), 874 (1993) and 884 (1993). It is clear that Armenia is once again opposing the facts which point to its policy of aggression, hostility and hatred, outright lies and falsification.

Thus, in the words of the Permanent Representative of Armenia, Azerbaijan "makes desperate attempts to distort and misinterpret the Security Council resolutions of 1993 and the subsequent presidential statements, as well as the statements and comments of the Organization for Security and Cooperation in Europe (OSCE), the Secretary-General of the United Nations and Member States pertinent to the Nagorno-Karabakh issue". Such a deduction is obviously not only unproven but is also easily refuted by the aforementioned research, which is based on official United Nations and Conference on Security and Cooperation in Europe (CSCE)/Organization for Security and Cooperation in Europe (OSCE) documents and also statements by Member States represented in the Security Council. The documents in question prove the unsubstantiated nature of the Armenian version of events and testify to the intentional non-fulfilment by Yerevan of the requirements

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of the Security Council resolutions, and its determined efforts to undermine the process of settling the conflict on the basis of international law. A comparative analysis of the primary sources of these documents and the explanation thereof in the research is sufficient to be convinced that the Permanent Representative of Armenia in essence is accusing not Azerbaijan, but the United Nations Secretary-General, the members of the Security Council, the OSCE governing bodies and the international community as a whole of "inexpensive narratives" and "lies".

The Permanent Representative of Armenia asserts that "the essence of the problem lies in the exercise by the people of Nagorno-Karabakh of their inalienable right to self-determination" and the conflict allegedly broke out owing to "coercive policies" of Azerbaijan in response to this requirement. The Armenian diplomat gets so carried away that he accuses Azerbaijan of carrying out "military aggression against the Republic of Nagorno-Karabakh" which was also allegedly "condemned by the international community". The letters and statements by Armenian officials leave no doubt that they perceive the role, place and obligations of their country, as a member of the United Nations, in an extremely inappropriate manner. Otherwise, the Permanent Representative of Armenia would not have had to imagine that the international community condemned the "aggression of Azerbaijan against Nagorno-Karabakh". He would also have been able to notice that the Security Council not only did not mention, in any of its four resolutions or in any of the New York statements of its President, the existence of "the Republic of Nagorno-Karabakh", "the people of Nagorno-Karabakh", its "right to self-determination" and "military aggression" on the part of Azerbaijan, but rather condemned the use of force in relation to Azerbaijan and the occupation of its territory; confirmed respect for the sovereignty and territorial integrity of Azerbaijan and the inviolability of its international borders; confirmed that the region of Daghlyq-Garabagh (Nagorny-Karabakh) is a part of Azerbaijan; and demanded the immediate, complete and unconditional withdrawal of the occupying forces from all occupied territories (resolutions 822 (1993), 853 (1993), 874 (1993) and 884 (1993)).

In his attempts to mislead the United Nations community, the Permanent Representative of Armenia asserts that in the aforementioned brief research Azerbaijan appears unable to cite any Security Council document adopted after the ceasefire declared on 12 May 1994 which demands the withdrawal of Armenian forces from occupied Azerbaijani territories. In order to prove the absurdity of this kind of view and the conclusions based on it, it is sufficient to refer to paragraphs 22 and 23 of the research, which recall the statement made by the President of the Security Council on 26 April 1995. In this document, the Council reaffirmed, "all its relevant resolutions, inter alia, on the principles of the sovereignty and territorial integrity of all States in the region", and also the "inviolability of international borders and the inadmissibility of the use of force for the acquisition of territory". As is well known, the resolutions to which the President of the Security Council refers in his statement of 26 April 1995 contain the unambiguous requirement to withdraw the occupying forces from all the occupied territories of Azerbaijan. It is also clear that Armenia has single-mindedly ignored all the key Security Council instructions regarding the principles of the sovereignty and territorial integrity of States, and also the inviolability of international borders. The letter that from the Permanent Representative of Armenia is further proof of that.

In addition to contradicting irrefutable facts and documents produced by international organizations, the arguments of the Permanent Representative of

Armenia are not consistent with the declarations made by the most senior leaders of his own country, however surprising that may seem. Thus, the President of Armenia, Serge Sarkissian, publicly acknowledged that the war was started by Armenia and that the aim of the war was to fulfil the long nurtured plan of seizing Azerbaijani territory. Moreover, he made it unequivocally clear that during the active military phase of the conflict, it was Armenia that intentionally ignored the demands of the Security Council for the immediate cessation of all military activities and hostile acts for the purposes of establishing a stable ceasefire. In reality, at the very time when there was a real possibility of halting the bloodshed and saving the lives of thousands of people, the leaders of Armenia and the separatist regime which it had created in the occupied territories of Azerbaijan followed a different line of reasoning. Anyone who wishes to be convinced that the words of the President of Armenia are not the "inexpensive narratives" of Azerbaijani propaganda may refer to his 15 December 2000 interview with the British journalist Thomas de Waal (http://carnegieendowment.org/2012/02/04/president-interview-and-tragic-anniversary/9vpa). The following response by Mr. Sarkissian to the question of whether he regrets the deaths of thousands of people is also revealing: "I do not regret anything at all", because "such upheavals are necessary, even if it costs thousands of lives". Of course, in this context, the arguments of the Permanent Representative of Armenia concerning the "aggression of Azerbaijan" and the "provocative acts" of my country are merely absurd and demonstrate an absence of responsibility.

The comments made by the Armenian diplomat concerning human rights and democracy in Azerbaijan do not withstand criticism. With a wealth of experience and skills in its bloody reprisals against the peaceful Azerbaijani population during the conflict, the most senior leaders of Armenia have, on more than one occasion, resorted to the cruellest methods of dealing with political opponents inside their own country. There are more than sufficient facts to prove this. In addition, the appropriate United Nations bodies have repeatedly expressed their concern at the spirit of intolerance which reigns in Armenia, and its policy and practice of discrimination against ethnic and religious minorities, refugees, asylum seekers, women and children.

In order to cover up the results of the unlawful use of force and ethnic cleansing, the Permanent Representative of Armenia again refers to the principle of the right of peoples to self-determination. In reality, notwithstanding the concept of self-determination adopted in international law, Yerevan is attempting to impose the view that this principle may be applied in the form of unilateral secession for the Armenian ethnic minority living in Azerbaijan. The danger associated with this is obvious. An irresponsible approach of this kind is contrary to the true value of self-determination, threatens the unity of all multinational societies and in essence provides clear encouragement for the spread of discrimination and intolerance on racial, ethnic and religious grounds.

The demands of Yerevan for the secession of part of the territory of a neighbouring State with the native ethnic group living there sound all the more strange in the light of the fact that, unlike Azerbaijan and other States in the region, Armenia is a uniquely monoethnic country, having achieved that shameful position by expelling all non-Armenians, including Azerbaijanis. Armenia is also conducting a similar openly racist policy in the region of Daglyqh-Garabagh and in other occupied Azerbaijani territories. Thus, the unscrupulous nature of Armenia's motives is perfectly clear, since it baselessly insists on ethnic-based privileges for

the Armenian minority through the discriminatory flouting of the fundamental rights and freedoms of the significantly more numerous Azerbaijani population.

Furthermore, it is a well known fact that, in accordance with international law, the principle of self-determination applies in reality to three categories of peoples, namely, (a) peoples of sovereign States; (b) peoples of colonially formed territorial units; and (c) peoples under foreign domination, subjugation and exploitation, including peoples under foreign military occupation. There is no doubt that the members of the Armenian ethnic minority group living in the region of Daglyqh-Garabagh do not fit into any of these categories of peoples and will never be considered an independent subject with the right to self-determination. By contrast, Armenia itself has committed aggression, has expelled hundreds of thousands of people from their places of permanent residence, has occupied Azerbaijani territories, has committed the most serious international crimes during the war which it unleashed and has committed gross violations of the right to self-determination of the people of Azerbaijan.

As is well known, in its advisory opinion of 22 July 2010, the International Court of Justice confirmed the illegality of unilateral secession which is connected with the unlawful use of force or other egregious violations of norms of international law, in particular those of a peremptory character (*jus cogens*). Consequently, the claims made by Armenia, which resorted to the illegal use of force to seize the territory of Azerbaijan and committed the most serious international crimes, including war crimes, crimes against humanity, ethnic cleansing and even genocide, run counter to the norms of international law and are without foundation.

Officials from Armenia often portray their own thoughts on international legal norms and the peace process as allegedly reflecting the position of the international mediators who are the Co-Chairmen of the OSCE Minsk Group. Further convincing proof of this is provided by consulting the letter of the Permanent Representative of Armenia of 1 July 2013. At the same time, it is readily apparent that Armenia fails to mention the fact that, in its proposals regarding principles for the settlement of the conflict, the same international mediators refer to the 1975 Helsinki Final Act which, inter alia, instructs participating States to "respect the equal rights of peoples and their right to self-determination, acting at all times in conformity with the purposes and principles of the Charter of the United Nations and with the relevant norms of international law, including those relating to territorial integrity of States". In actual reality, Armenia has never observed this fundamental obligation and has committed gross violations of international legal norms and principles, including primarily those which relate to the right of peoples to self-determination and the territorial integrity of States.

Thus, the principles of the non-use of force or the threat of force and the territorial integrity of States, as well as the right to self-determination in the context of the conflict between Armenia and Azerbaijan, are aimed at resolving the main issues connected with the liberation of the occupied Azerbaijani territories, the fulfilment by peoples forcibly expelled from their homes of the inalienable right to return and the establishment of relations between two States, on the basis of respect for territorial integrity, the inviolability of international borders and non-interference in each other's internal affairs.

More anecdotal in nature in the letter of the Permanent Representative of Armenia is the consideration of the reasons which have allegedly caused the Security Council to cease adoption of further resolutions on the conflict. According to the highly original logic of the Armenian diplomat, this has allegedly happened because the violation of the resolutions adopted has diminished their significance, undermined the authority of the Security Council and rendered its resolutions ineffective. Obviously, such a judgement is evidence of the uninformed position of the Armenian ambassador not only regarding the circumstances of his State, but also concerning the functions and powers of the Security Council, which, according to the Charter of the United Nations, has primary responsibility for maintaining international peace and security. In addition, the reality is that Armenia openly acknowledges the logic it is following, ignoring the resolutions of the Security Council, which apparently out of concern for its own authority can simply refuse to fulfil its duties and exercise its prerogatives if the decisions it takes are not implemented. The opinion expressed by Armenia, which has finally come to believe in the principle of impunity, may in essence also be considered an open call to discard the existing system and principles of international law.

The conclusion is self-evident. In reality, by ignoring the resolutions of the Security Council and the General Assembly, continuing the illegal occupation of Azerbaijani territories, conducting a policy of hostility and hatred, and denying the right of more than one million Azerbaijani refugees and internally displaced persons to return to their homes, Armenia is opposing the settlement of the conflict in accordance with the fundamental norms and principles of international law, and pursuing the aim of colonization and annexation of Azerbaijani lands. There is no doubt that such an approach has absolutely no chance of success. The region of Daglyqh-Garabagh is an inalienable part of Azerbaijan, and the only way to resolve existing problems, achieve a settlement of the conflict and establish civilized relations between two neighbouring States is to put a stop to the occupation of Azerbaijani territories, fully re-establish the sovereignty and territorial integrity of Azerbaijan, and immediately provide for compliance with the inalienable right of refugees and internally displaced persons to return to their homes.

I should be grateful if you would have the text of this letter circulated as a document of the General Assembly under agenda items 34, 39, 67, 69 and 83, and also as a document of the Security Council.

(*Signed*) Tofig **Musayev**
Deputy Permanent Representative
Chargé d'affaires a.i.